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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,098	06/13/2001	Mayumi Tomikawa	826.1729	3219

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/879,098	Applicant(s) TOMIKAWA ET AL.	
	Examiner Thjuan P Knowlin	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Naudus (US 6,412,006).
3. In regards to claims 1, 4, 6, 7, 9, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, and 24, Naudus discloses a distribution route generation apparatus and method, comprising: a collection device (status table) collecting information (control messages) about a communication cost between a plurality of nodes (network nodes 12, 14, and 16) of a communication network (Fig. 1, Fig. 3A, Fig. 3B, col. 6 lines 16-28, col. 6 lines 1-5, and col. 7 lines 17-34) the nodes including a plurality of redistribution servers (computer software server 86, interface 82, and interface 84) which copy and branch streaming data at respective branch points in the communication network to multi-cast the streaming data in an application layer (col. 9 lines 45-67); a generation device automatically generating distribution route information, which indicates a plurality of distribution routes to a plurality of clients on the communications network through at least one of the redistribution servers from a source, based on the information about the communications cost when streaming data are originated and distributed from the source to the plurality of clients; and an output device outputting the distribution route information (col. 8 lines 5-28 and col. 10 lines 23-39).

Art Unit: 2642

4. In regards to claims 2, 3, and 18, Naudus discloses the distribution route generation apparatus, wherein said generation device generates the distribution route information by selecting a receiver node in such a way that a communications cost between the source and the receiver node is minimized (col. 5-6 lines 50-6 and col. 6 lines 16-28).
5. In regards to claim 5, Naudus discloses the distribution route generation apparatus, wherein said generation device divides the nodes into the groups using a branch in which a communications cost between nodes is equal to or more than a threshold value, as a boundary (col. 1 lines 22-36 and col. 8 lines 15-35).
6. In regards to claim 8, Naudus discloses the distribution route generation apparatus, wherein said restriction device detects a router located within a first restricted number of hops from a measuring node performing measurement, based on information about a route from the source to the measuring node and designates a node located within a second restricted number of hops from the detected router as a measurement target (col. 1 lines 38-47, col. 5 lines 42-49, col. 6 lines 16-28, col. 8 lines 23-28, and col. 8 lines 50-58).
7. In regards to claims 11 and 12, Naudus discloses the distribution route generation apparatus, wherein said generation device further generates distribution route information indicating a substitute distribution route, excluding a part in which a failure is anticipated to occur on the communications network (col. 6 lines 1-28).
8. In regards to claim 25, Naudus discloses a system, wherein the cost information comprises communication delay information (col. 5-6 lines 50-5).

Art Unit: 2642

9. In regards to claim 26, Naudus discloses a system, wherein the network comprises the Internet (packet switched network 20) (col. 4-5 lines 62-4)

Response to Arguments

10. Applicant's arguments filed 07/26/04 have been fully considered but they are not persuasive.

11. Applicant argues that Naudus says nothing about routing information, such as video streaming data, from a source to multiple destinations over a network of multiple connected nodes, such as the Internet. Examiner respectfully disagrees with this argument. Naudus does disclose the process of routing information, such as video streaming data, from a source to multiple destinations over a network of multiple connected nodes, such as the Internet (col. 3 lines 2-38). Applicant further argues that Naudus says nothing about routing over the network through the redistribution servers (computer software server 86, interface 82, and interface 84) is determined based on cost. Naudus, however, does disclose that routing over the network through the redistribution servers is determined based on cost (col. 9 lines 45-67, col. 8 lines 5-28, and col. 10 lines 23-39).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2642

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/879,098

Page 6

Art Unit: 2642

Thjuan P. Knowlin


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